

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al., :
Plaintiffs, :
vs. : CA 04-312L
JEFFREY DERDERIAN, et al., :
Defendants. :

ESTATE OF JUDE B. HENAULT, et al., :
Plaintiffs, :
vs. : CA 03-483L
AMERICAN FOAM CORPORATION, et al., :
Defendants. :

**AMENDED¹ ORDER
RE CAPTIONING AND FILING OF DOCUMENTS**

The Court has previously consolidated all Station fire cases for purposes of discovery and motion practice. See Orders entered 10/27/04 (Gray Document ("Doc.") #176) (Henault Doc. #152). This Amended Order prescribes how motions, memoranda, and other documents in the consolidated cases shall be captioned and filed.

¹ This Amended Order updates or modifies the prior Order Re Captioning and Filing of Documents dated January 28, 2005, in three respects. First, it updates that order to reflect that the operative complaint is now the Third Amended Master Complaint (Gray Doc. #695). Second, it reduces from three to one the number of parties to be identified in the title of a document as the filer of the document. Compare footnote 1 of prior order with footnote 1 of Amended Order. Third, this Amended Order provides filing guidance relative to Electronic Case Filing ("ECF") which is effective on August 1, 2006. See ¶¶ 3.d., 4 of Amended Order.

All plaintiffs have now adopted the Third Amended Master Complaint (Gray Doc. #695) (the "Gray TAMC") filed in Gray, et al. v. Derderian, et al., CA 04-312L, although some plaintiffs, by virtue of the Notice of Adoption of Third Amended Master Complaint (Henault Doc. #405) (the "Henault 2/17/06 Adoption"), have adopted it with the additional allegations and claims set forth in the Notice of Adoption of First Amended Master Complaint (Henault Doc. #188) filed in Henault, et al. v. American Foam Corp., et al., CA 03-483L. For filing purposes, this circumstance has resulted in there being two master cases, the Gray case and the Henault case.

The purpose of this Amended Order is to assist the Clerk's Office in determining whether a document should be filed and docketed in the Gray case or in the Henault case, or in both cases, and also in identifying which party is filing the document. Parties will, therefore, file documents in accordance with the following instructions.

1. **Gray parties**, meaning parties named only in the Gray TAMC (and any plaintiffs who have adopted the Gray TAMC but not the Henault 2/17/06 Adoption), shall:

a. **caption any document to be filed as "Gray, et al. v. Derderian, et al., CA 04-312L;"**

b. include in the title of the document the name of the party filing the document (e.g., Plaintiff Mary Smith's Motion for Protective Order; Defendant John Brown's Objection to Plaintiff Mary Smith's Motion for Protective Order);²

² Where a document is being filed on behalf of more than one plaintiff or defendant (or is directed against more than one plaintiff or defendant), the title of the motion shall not include their names, but shall identify the parties simply as "Plaintiffs" or "Defendants." A footnote shall immediately follow the word "Plaintiffs" or

c. include on the signature page the name of the party filing the document (e.g., Plaintiff Mary Smith by her attorney; Defendant John Brown by his attorney);³

The plaintiffs in the following cases have adopted the Gray TAMC:

CA 03-148 Passa, et al. v. Derderian, et al.

CA 03-208 Kingsley, et al. v. American Foam Corp., et al.

CA 05-002 Paskowski, et al. v. Derderian, et al.

CA 03-335 Guindon, et al. v. American Foam Corp., et al.

CA 04-026 Roderiques v. American Foam Corp., et al.

CA 04-056 Sweet, et al. v. Derderian, et al.

CA 06-076 Gonsalves v. Derderian, et al.

CA 06-080 Napolitano, et al. v. Derderian, et al.

2. **Henault parties**, meaning parties named only in the Henault 2/17/06 Adoption (and any plaintiffs who have adopted the

"Defendants" in the title (e.g., "Plaintiffs'¹ Motion for Protective Order;" "Defendants'¹ Motion to Compel Production"). The footnote shall state concisely on whose behalf the motion is filed (e.g., "all parties represented by counsel" or "all parties represented by counsel except ..."). Similarly, if the motion (or objection) is directed against more than one plaintiff or defendant, the footnote shall identify the plaintiffs or defendants against whom it is directed in the same concise fashion.

³ Where a document is being filed on behalf of more than one plaintiff or defendant, the signature page shall not include their names, but shall be signed simply as "Plaintiffs by their attorney" or "Defendants by their attorneys" with a footnote immediately following the word "Plaintiffs" or "Defendants" (e.g., "Plaintiffs³ by their attorney" or "Defendants³ by their attorney") directing the reader to footnote 1 which identifies these Plaintiffs or Defendants. See n.2.

Henault 2/17/06 Adoption), shall:

a. caption any document to be filed as "Henault, et al. v. American Foam Corp., et al., CA 03-483L;"

b. include in the title of the document the name of the party filing the document (e.g., Plaintiff Mary Smith's Motion for Protective Order; Defendant John Brown's Objection to Plaintiff Mary Smith's Motion for Protective Order);⁴

c. include on the signature page the name of the party filing the document (e.g., Plaintiff Mary Smith by her attorney; Defendant John Brown by his attorney).⁵

The plaintiffs in the following cases have adopted the Henault 2/17/06 Adoption:

CA 05-070 Kolasa v. American Foam Corp., et al.

CA 06-002 Malagrino v. American Foam Corp., et al.

CA 06-047 Long v. American Foam Corp., et al.

3. Gray-Henault parties,⁶ meaning parties named in both the Gray TAMC and the Henault 2/17/06 Adoption, shall:

a. caption any document to be filed with the names of both cases, "Gray, et al. v. Derderian, et al., CA 04-312L," and "Henault, et al. v. American Foam Corp., et al., CA 03-483L" (as this Amended Order is

⁴ See n.2.

⁵ See n.3.

⁶ These instructions pertain to documents which a party wishes to file in both Gray, et al. v. Derderian, et al., CA 04-312L, and Henault, et al. v. American Foam Corp., et al., CA 03-483L. A party who desires that a document only be filed in one of the actions should comply with filing instructions for that action as stated above.

captioned);

b. include in the title of the document the name of the party filing the document (e.g., Plaintiff Mary Smith's Motion for Protective Order; Defendant John Brown's Objection to Plaintiff Mary Smith's Motion for Protective Order);⁷

c. include on the signature page the name of the party filing the document (e.g., Plaintiff Mary Smith by her attorney; Defendant John Brown by his attorney);⁸

d. effective August 1, 2006, file the document twice, once in each case.⁹

4. ECF Filing. Every attorney who has filed an appearance in one or more of the Station fire cases must register with the Clerk's Office as an "ECF Filing User" no later than July 31, 2006. Effective August 1, 2006, all documents filed in any of the Station fire cases shall be filed and served in accordance with the "Administrative Procedures for Electronic Case Filing" adopted by this Court.

So Ordered.

⁷ See n.2.

⁸ See n.3.

⁹ With the advent of ECF on August 1, 2006, it will no longer be possible to file a document in both cases simultaneously. Thus, this portion of the previous order is hereby amended.

ENTER:

BY ORDER:

A handwritten signature in cursive script, reading "Ronald R. Lagueux", written over a horizontal line.

RONALD R. LAGUEUX
United States District Judge
July 12, 2006

A handwritten signature in cursive script, appearing to read "B. J. Lutz", written over a horizontal line.

Deputy Clerk